

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

THE NEW YORK TIMES COMPANY,

Plaintiff,

v.

MICROSOFT CORPORATION, OPENAI,
INC., OPENAI LP, OPENAI GP, LLC,
OPENAI, LLC, OPENAI OPCO LLC,
OPENAI GLOBAL LLC, OAI
CORPORATION, LLC, and OPENAI
HOLDINGS, LLC,

Defendants.

Civil Action No. 1:23-cv-11195 (SHS) (OTW)

**DECLARATION OF KATHERINE M. PEASLEE IN SUPPORT OF THE TIMES’S
OPPOSITION TO ECF 394 (PUBLICLY FILED AT 397)**

I, Katherine M. Peaslee, pursuant to 28 U.S.C. § 1746, hereby declare as follows:

1. I am an active member in good standing of the State Bar of Washington and State Bar of California, a Partner in the law firm of Susman Godfrey L.L.P., and counsel for Plaintiff The New York Times Company (“The Times”) in the above-captioned action. I have personal knowledge of the facts set forth herein, and if called as witness, would testify competently thereto.

2. I make this declaration in support of The Times’s Opposition to Defendants’ Motion to Compel, Dkt. 394 (filed publicly at ECF 397).

3. I spoke with David Kogan via video conference on January 16, 2025. Mr. Kogan represented that he does not have any documents related to his consulting work for The Times related to Generative AI to which The Times would be entitled to under its contractual agreement with him. He stated that he did not provide written reports or analyses to The Times.

I, Katherine M. Peaslee, declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on this 16th day of January 2025, in Seattle, Washington.

/s/ Katherine M. Peaslee
Katherine M. Peaslee (*Pro Hac Vice*)
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